

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GINA RAE HALL,
Plaintiff,
vs.
SMART & FINAL, INCORPORATED,
Defendant.

Case No. 2:15-cv-00013-GMN-GWF

ORDER AND FINDINGS AND RECOMMENDATION

This matter comes before the Court on Plaintiff Gina Rae Hall's Motion for Leave to Proceed *in forma pauperis* (#1), filed on January 5, 2015.

The Plaintiff has previously filed a complaint with identical facts and different defendants. *See* 2:14-cv-01716-JAD-NJK. In the prior complaint, the Plaintiff alleged she was discriminated against by her employer, Smart & Final Incorporated. *Id.*, Dkt. #7, pg. 3 She further alleged that her employer harassed, coerced, and wrongfully terminated her. *Id.* Specifically, she claimed that Karen Portillo from Human Resources stated she needed to see a psychiatrist, despite there being “no just cause for this order.” *Id.* at pg. 4. She further claims that Portillo treated her differently from the other employees. *Id.* Finally, the Plaintiff alleges that she was fired after she filed a discrimination claim with the EEOC. *Id.* at pg. 6. In that case, her demand is for \$75,000.

In the instant action, Plaintiff claims that Smart & Final harassed her and wrongfully terminated her in retaliation for filing a claim with the EEOC. (#1-1, pg. 2). It contains very similar allegations of harassment by Human Resources and an identical demand for \$75,000. (#1-1). Plaintiff notes that she filed a similar claim, which is detailed above, and that the similar claim is pending. (#1-1, pg. 7).

1 Plaintiff's claim is already being adjudicated in case 2:14-cv-01716-JAD-NJK. The
2 complaint in the instant case seems to add very little in the way of substance to that of her prior
3 case. Should the Plaintiff wish to amend her original complaint, the proper course is to ask leave of
4 the Court in case 2:14-cv-01716-JAD-NJK to amend the Complaint, rather than file an additional
5 complaint. The Plaintiff qualifies to proceed *in forma pauperis*, and she has already been approved
6 to proceed *in forma pauperis* in case 2:14-cv-01716-JAD-NJK (Dkt. #6). Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed *in forma pauperis* is
8 **granted.**

9 **IT IS HEREBY RECOMMENDED** that Plaintiff's Complaint (#1-1) be **dismissed**
10 without prejudice. If necessary, Plaintiff can file a motion to amend her complaint in Case 2:14-cv-
11 01716-JAD-NJK.

12 DATED this 8th day of January, 2015.

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15 GEORGE FOLEY, JR.
16 United States Magistrate Judge
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